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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,565	11/07/2001	Gary J. Osterfeld	H0001612-4	7108

7590 09/16/2003

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EXAMINER

BUI, THACH H

ART UNIT PAPER NUMBER

3752

DATE MAILED: 09/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,565

Applicant(s)

OSTERFELD ET AL.

Examiner

Thach H Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: .

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicant's prior art citation filed November 07, 2001 has been received, considered and placed of record.

### ***Specification***

2. Claim 15 is objected to because of the following informalities: the claim should depend on claim 14. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 16, it is vague and indefinite because there is no clear or proper antecedent basis for "comprising a step of lifting said support member upwardly to bring it into proximity with said nozzle before step c". Where are the previous steps e.g. a and b?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Stephenson et al. (U.S. Patent No. RE37,975 E).

Stephenson et al. teach a nozzle or dispenser comprising a hollow nozzle body having a base (substantially O-shaped), a tip and a flow passage formed therethrough (see Fig. 9). The nozzle body includes an inlet and an outlet. The outlet comprises an aperture which is formed at the tip and is substantially wedge-shaped (i.e. end face is disposed at an angle) (see Fig. 9). The nozzle has threads formed therein at the inlet (see Fig. 9). The nozzle body flow passage comprises a bore formed in the nozzle body in communication with the inlet, and a substantially flattened channel (wedge-shape and the tip is tapered as it nears the aperture) and/or portion (90) in fluid communication with the bore. The system includes a nozzle body having a rotatable turnable for rotatably supporting a work piece and the turnable disposed below the nozzle (see Fig. 66 and 67) (col. 20, lines 47-54). The apparatus further comprises a valve for starting and stopping flow through the dispenser (1020) (col. 20, lines 38-46) and the apparatus includes a support frame, wherein the dispenser is operatively

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attached to the support frame with the nozzle pointing downwardly (Fig. 2). The apparatus comprises a rotary indexer (see Fig. 66 and 67) having a rotatable dial plate, wherein the dial plate has a plurality of openings to formed therein (1028) (see Fig. 65) to receive the work piece and further the turntable is disposed proximate the rotary indexer (see Fig. 66 and 67). Stephenson et al. teach a directional boring head with blade assembly having a valve of which remains at its closed position unless the fluid pressure in passage acting on the valve is sufficient to overcome the force of the spring acting on the valve. Therefore, it is inherent that Stephenson et al. disclose a mean for closing the valve after the work piece has been rotated an amount in a range between 350 and 370 degrees. Rotation of the work piece will not cause a force to overcome the spring supporting the valve. Methods follow by an apparatus.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holst, Stoltz, Stephenson et al. ('322), Fenton and Deken et al. are cited of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

T.B.  
September 12, 2003

A handwritten signature in cursive script that reads "Michael Mar".

**MICHAEL MAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**